

1 parties consented, pursuant to 28 U.S.C. § 636(c), to the jurisdiction
2 of the undersigned United States Magistrate Judge. Pursuant to the
3 Court's Case Management Order, the parties filed a joint stipulation
4 ("Jt. Stip.") on January 3, 2007. For the reasons stated below, the
5 decision of the Commissioner is REVERSED and REMANDED for further
6 proceedings.

7 8 **PROCEDURAL HISTORY**

9
10 On February 5, 2004, Plaintiff protectively filed an application
11 for SSI disability benefits under Title XVI of the Social Security Act.
12 (Administrative Record ("AR") 72).³ He alleged that he became disabled
13 on February 18, 2002 due to Attention Deficit Hyperactivity Disorder
14 ("ADHD"). (AR 72, 85).

15
16 After the Agency denied his claim initially and upon
17 reconsideration, a hearing was held before Administrative Law Judge
18 ("ALJ") Joseph D. Schloss on October 26, 2005. (AR 16). Plaintiff, who
19 was represented by counsel, testified briefly. (AR 241-45).
20 Plaintiff's father and a medical expert ("ME"), Joseph Mahnachargo, also
21 testified. (AR 246-59). On January 9, 2006, the ALJ issued a decision
22 denying benefits. (AR 16-20). Plaintiff sought review of ALJ Schloss's
23 decision before the Appeals Council, which upheld the decision on
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 "notwithstanding any change in the person occupying the office of
Commissioner of Social Security[.]" 42 U.S.C. § 405(g).

27 ³ Plaintiff previously applied for SSI in November 2002. (AR 68).
28 On March 25, 2003, the Agency determined that Plaintiff was not eligible
for SSI. (AR 25-28).

1 February 24, 2006. (AR 6-8). Plaintiff commenced the instant action
2 on April 12, 2006.

3
4 **FACTUAL BACKGROUND**

5
6 Plaintiff was born on April 22, 1995 (AR 62), and was ten years old
7 at the time of the hearing. (AR 16). Plaintiff lives with his father,
8 siblings, and step-mother. (AR 249). His biological mother left the
9 family when Plaintiff was two years old. (AR 159). At the time of the
10 hearing, Plaintiff's mother was incarcerated. (AR 160). Plaintiff was
11 prenatally exposed to several illegal drugs. (AR 159-60).

12
13 **A. Relevant Medical History**

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15 The record does not include detailed reports or opinions from
16 Plaintiff's treating psychologist or psychiatrist. The record reveals
17 that Plaintiff saw Dr. Friedman from 1998 until 2005. (AR 135). It
18 also notes that Dr. Raval-Ronag examined Plaintiff on September 13,
19 2005. (AR 155). The San Bernardino Department of Behavioral Health
20 provided documentation confirming that on August 27, 2002, Plaintiff was
21 diagnosed with ADHD. (AR 156-57).

22
23 In February 2003, Dr. Clifford Taylor conducted a psychological
24 evaluation of Plaintiff. (AR 159-64). Dr. Taylor determined that
25 Plaintiff's IQ was well within the average range, that he was "slightly
26 distractible," that he had mild to moderate problems maintaining focus
27 and concentrating, and that his overall mood was normal. (AR 161). He
28 noted that there was no evidence that Plaintiff had a learning

1 disability because his academic achievement and scores were consistent
2 with his level of functioning. (AR 163). Dr. Taylor opined that
3 Plaintiff is able understand and respond to increasingly complex
4 requests and that Plaintiff had a Global Assessment of Functioning
5 ("GAF") score of 75.⁴ (Id.).

6
7 In April 2004, Dr. Harrel Reznick conducted a psychological
8 evaluation of Plaintiff. (AR 179-85). Dr. Reznick diagnosed Plaintiff
9 with ADHD and Disruptive Behavior Disorder, Not Otherwise Specified.
10 (AR 184). He found that Plaintiff could benefit from individual
11 counseling and effective parenting training for Plaintiff's father. (AR
12 184-85). Dr. Reznick noted that Plaintiff did not appear to require
13 special education services. (AR 185).

14
15 Between March 2003 and July 2004, four consultative physicians
16 reviewed Plaintiff's records.⁵ All four physicians determined that
17 Plaintiff's ADHD was a severe impairment but that it did not meet,
18

19 ⁴ A GAF score is the clinician's judgment of the individual's
20 overall level of functioning. It is rated with respect only to
21 psychological, social, and occupational functioning, without regard to
22 impairments in functioning due to physical or environmental limitations.
23 See American Psychiatric Association, Diagnostic and Statistical Manual
24 of Mental Disorders, 32 (4th ed. 2000) (hereafter, "DSM IV"). A GAF
25 score of 71-80 indicates that "[i]f symptoms are present, they are
transient and expectable reactions to psychosocial stressors (e.g.,
difficulty concentrating after family argument); no more than slight
impairment in social, occupational, or school functioning (e.g.,
temporarily falling behind in schoolwork)." See DSM IV, at 34.

26 ⁵ Each doctor submitted a report regarding Plaintiff's impairments.
27 Dr. K. Gregg submitted his report in March 2003 (AR 172); Dr. Amado
28 submitted his report in May 2003 (AR 165); Dr. Michael Skopec submitted
his report in May 2004 (AR 186); and Dr. Donald Williams submitted his
report in July 2004. (AR 192).

1 medically equal or functionally equal a listing. (AR 165, 172, 186,
2 192). One doctor found that Plaintiff had a marked limitation in
3 attending and completing tasks. (AR 167). The other three doctors
4 reported that Plaintiff's limitation in attending and completing tasks
5 was less than marked. (AR 174, 188, 194). All four physicians found
6 that Plaintiff had a less than marked limitation in interacting and
7 relating with others. (AR 167, 174, 188, 194). Two physicians
8 determined that Plaintiff had a less than marked limitation in acquiring
9 and using information. (AR 167, 194). The remaining two physicians
10 opined that he had no limitation in that domain. (AR 174, 188). All
11 four doctors found that Plaintiff had no limitations in moving and
12 manipulating objects, caring for himself, or in his health and physical
13 well-being. (AR 169, 175, 189, 195).

14
15 **B. Father's Testimony**
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17 Plaintiff's father testified that Plaintiff had already been
18 suspended from school three time that school year,⁶ that he was
19 unwilling to do schoolwork, and that he was taking psychotropic drugs,
20 Mirtazapine and Concerta, for the ADHD. (AR 245-47). Plaintiff's
21 father described Plaintiff's serious behavioral problems and complained
22 that Plaintiff's academic performance was significantly substandard.
23 (AR 247-48). He also testified that Plaintiff had previously taken
24 Ritalin but "it was making him a zombie." (AR 248). Plaintiff's
25 father reported that Plaintiff was, at some point, taking Adderall and
26 Risperdal but that those drugs were not effective. (Id.).

27
28 ⁶ At the time of the hearing, Plaintiff was in the fifth grade.
(AR 241)

1 **C. School Reports**

2
3 The record contains a letter to Plaintiff's parents explaining that
4 Plaintiff was being reassigned to a Special Day Class closer to their
5 home. (AR 199). The letter described Plaintiff as being a child with
6 mild to moderate special needs. (Id.).
7

8 In November 2001, Plaintiff's teacher, Jodi Moran, reported that
9 Plaintiff was performing far below grade level and that his behavior was
10 extremely disruptive. (AR 201). She complained that Plaintiff stole
11 from her classroom and from other teachers. (Id.). She described his
12 "outbursts" as detrimental to Plaintiff's education and distracting to
13 his fellow classmates. (Id.).
14

15 The record includes thirteen Student Referral Forms from Barton
16 Elementary School which are dated from December 2003 through November
17 2004. (AR 202-05, 206, 209, 211-18). The referrals document
18 "inappropriate and unacceptable behavior" including refusing to do work
19 or follow instructions (AR 202, 216), throwing things in the classroom
20 (AR 203), antagonizing other students(204), using obscene language and
21 gestures (AR 209), and stealing candy. (AR 212). Also, the record
22 includes two Notices of Suspension from San Bernardino City Unified
23 School District. (AR 208, 210). Plaintiff was suspended from school
24 for entering a teacher's classroom without permission and lying about
25 why he was there (AR 208), and for stealing from a teacher and hiding
26 the teachers keys. (AR 210). There is also other documentation that
27 Plaintiff was removed from class five times in May 2003 for defiant
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1 behavior (AR 219, 223) and three times in April 2003 for similar
2 outbursts. (AR 221).

3
4 On April 11, 2003, Barton Elementary School's principal, John
5 Mauricio, wrote a letter explaining that Plaintiff had five major
6 incidents of behavioral outburst in his fourteen days of enrollment.
7 (AR 220). He described Plaintiff as being "extremely defiant,"
8 exhibiting "aggressive physical behavior towards others, unwilling to
9 cooperate and being "completely and totally out of control." (Id.).

10
11 On July 14, 2005, Plaintiff's special education teacher, Helen
12 Young, wrote a letter explaining that Plaintiff was a special education
13 student being serviced in a Special Day Class. (AR 224). She explained
14 that Plaintiff has a specific learning disability and that he is on
15 medication for ADHD. (Id.). Mrs. Young noted that Plaintiff has
16 difficulty attending to tasks, paying attention and focusing, and that
17 he has anger issues. (Id.).

18
19 **THE THREE-STEP CHILD DISABILITY SEQUENTIAL EVALUATION PROCESS⁷**
20

21 Under the provisions of the Social Security Act, amended in 1996
22 by Public Law 104-193, a child under the age of eighteen is "disabled"
23 if he has a "medically determinable physical or mental impairment, which
24 results in marked and severe functional limitations, and which can be

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⁷ The three-step child disability sequential evaluation process
27 applies for the period during which a plaintiff is under eighteen years
28 old. Beginning the day the plaintiff turns eighteen, the Commissioner
will then apply the disability rules used for adults filing new claims.
20 C.F.R. § 416.924(f).

1 expected to result in death or which has lasted or can be expected to
2 last for a continuous period of not less than 12 months." 42 U.S.C. §
3 1382c(a)(3)(C)(i). An impairment causes marked and severe functional
4 limitations if it meets, medically equals, or functionally equals an
5 impairment in the listings. 20 C.F.R. § 416.924(d).

6
7 In determining whether a child is eligible for SSI benefits on the
8 basis of disability, the ALJ conducts a three-step inquiry. 20 C.F.R.
9 § 416.924(a). The steps are:

- 10
11 (1) Is the child engaged in substantial gainful activity? If so,
12 the claimant is found not disabled. If not, proceed to step
13 two.
- 14 (2) Is the child's impairment or combination of impairments
15 severe? If not, the claimant is found not disabled. If so,
16 proceed to step three.
- 17 (3) Does the child's impairment(s) meet, medically equal, or
18 functionally equal an impairment in the Listing of
19 Impairments ("Listing") described in 20 C.F.R. Part 404,
20 Subpart P, Appendix 1? If so, the claimant is found
21 disabled.

22
23 A claimant "meets" a listed impairment if his own impairments match
24 those described in a listing. 20 C.F.R. § 416.925(d). A claimant
25 "medically equals" a listed impairment if he demonstrates medical
26 findings related to his own impairment that are of equal medical
27 significance to the listed one, even if his showing is deficient in
28 other ways. 20 C.F.R. § 416.926(a). A claimant "functionally equals"

1 a listing if his impairments result in "marked" limitations in two
2 domains of functioning or an "extreme" limitation in one domain.⁸ 20
3 C.F.R. § 416.926a(a). There are six domains of functioning the ALJ
4 considers in determining functional equivalence: (1) Acquiring and
5 using information; (2) Attending and completing tasks; (3) Interacting
6 and relating with others; (4) Moving about and manipulating objects; (5)
7 Caring for yourself; and (6) Health and physical well-being. 20 C.F.R.
8 § 416.926a(b)(1)(i)-(vi).

9 10 **THE ALJ'S DECISION**

11
12 In his January 20, 2005 decision, ALJ Schloss concluded that
13 Plaintiff is not disabled within the meaning of the Social Security Act.
14 (AR 19). At the first step of the three-step child disability
15 sequential evaluation process, the ALJ determined that Plaintiff was not
16 engaged in substantial gainful activity at any time during the period
17 of adjudication. (AR 16). At the second step, he found that Plaintiff
18 has a medically determinable impairment, ADHD. (AR 19).

19
20 Next, at the third step, the ALJ discussed Plaintiff's medical
21 records, he noted that Plaintiff's father and a ME testified at the
22 hearing, and mentioned reports from school personnel. (AR 12-15). He
23 determined that Plaintiff's impairment did not meet or medically equal
24 an impairment in the Listings. (AR 19). The ALJ then evaluated
25 Plaintiff's functional limitations in the six domains, and determined
26 that Plaintiff suffered less than "marked" limitations in four areas and
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28 ⁸ "Domains" are broad areas of functioning intended to capture all
of what a child can or cannot do. 20 C.F.R. § 416.926a(b)(1).

1 no limitations in two areas. (AR 15-16). Because he concluded that
2 Plaintiff did not suffer from an "extreme" or "marked" limitation in any
3 of the six domains, he determined that Plaintiff's impairments do not
4 functionally equal any listed impairment. (AR 19). Accordingly, he
5 found that Plaintiff is not disabled for purposes of eligibility for SSI
6 payments. (Id.).

8 STANDARD OF REVIEW

9
10 Under 42 U.S.C. § 405(g), a district court may review the
11 Commissioner's decision to deny benefits. The court may set aside the
12 Commissioner's decision when the ALJ's findings are based on legal error
13 or are not supported by substantial evidence in the record as a whole.
14 Aukland v. Massanari, 257 F.3d 1033, 1035 (9th Cir. 2001) (citing
15 Tackett, 180 F.3d at 1097); Smolen v. Chater, 80 F.3d 1273, 1279 (9th
16 Cir. 1996) (citing Fair v. Bowen, 885 F.2d 597, 601 (9th Cir. 1989)).

17
18 "Substantial evidence is more than a scintilla, but less than a
19 preponderance." Reddick, 157 F.3d at 720 (citing Jamerson v. Chater,
20 112 F.3d 1064, 1066 (9th Cir. 1997)). It is "relevant evidence which
21 a reasonable person might accept as adequate to support a conclusion."
22 Id. (citing Jamerson, 112 F.3d at 1066; Smolen, 80 F.3d at 1279). To
23 determine whether substantial evidence supports a finding, the court
24 must "'consider the record as a whole, weighing both evidence that
25 supports and evidence that detracts from the [Commissioner's]
26 conclusion.'" Aukland, 257 F.3d at 1035 (citing Penny v. Sullivan, 2
27 F.3d 953, 956 (9th Cir. 1993)). If the evidence can reasonably support
28 either affirming or reversing that conclusion, the court may not

1 substitute its judgment for that of the Commissioner. Reddick, 157 F.3d
2 at 720-21 (citing Flaten v. Sec'y, 44 F.3d 1453, 1457 (9th Cir. 1995)).

4 DISCUSSION

5
6 Plaintiff alleges that the Commissioner's decision should be
7 overturned for two reasons. First, he asserts that the ALJ erred by
8 concluding that Plaintiff's ADHD did not meet or equal a listing. (Jt.
9 Stip. at 2). Second, Plaintiff argues that the ALJ failed to properly
10 consider the non-medical evidence before him. (Jt. Stip. at 3). For
11 the reasons discussed below, the Court agrees that remand is required
12 because the ALJ did not properly consider all the non-medical evidence
13 before him.⁹

14 15 A. The ALJ Did Not Properly Consider The Non-Medical Evidence In The 16 Record

17
18 Plaintiff alleges that the ALJ failed to properly consider the non-
19 medical evidence before him. (Jt. Stip. at 3). Specifically, Plaintiff
20 claims that the ALJ erred in disregarding Plaintiff's father's
21 testimony. (Jt. Stip. at 15). He also complains that the ALJ did not
22 properly consider the letter from one of Plaintiff's teachers,
23 Plaintiff's school principal, and "[m]ore than 25 pages of evidence
24 documenting disruptive behavior and poor social interactions[.]" (Jt.
25 Stip. at 15-18).

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28 ⁹ Because the Court concludes that the ALJ did not properly
consider the non-medical evidence before him, it will not address the
remaining issues raised by Plaintiff.

1 **1. Lay Witness Testimony**

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3 In determining whether a claimant is disabled, an ALJ must consider
4 lay witness testimony concerning a claimant's functional limitations.
5 Stout v. Commissioner, 454 F.3d 1050, 1053 (9th Cir. 2006); Smolen, 80
6 F.3d at 1288; 20 C.F.R. §§ 404.1513(d)(4)-(e) & 416.913(d)(4)-(e). The
7 ALJ may discount the testimony of lay witnesses only if she gives
8 "reasons that are germane to each witness." Dodrill v. Shalala, 12 F.3d
9 915, 919 (9th Cir. 1993); see also Lewis v. Apfel, 236 F.3d 503, 511
10 (9th Cir. 2001) ("Lay testimony as to a claimant's symptoms is competent
11 evidence that an ALJ must take into account, unless he or she expressly
12 determines to disregard such testimony and gives reasons germane to each
13 witness for doing so.").

14
15 Here, Plaintiff's father testified that Plaintiff was having severe
16 behavioral problems at school, had been suspended three time that school
17 year, and was unwilling to do schoolwork. (AR 245-48). He also stated
18 that Plaintiff was taking psychotropic drugs, Mirtazapine and Concerta,
19 for the ADHD but that he did not believe the medicine was helping
20 Plaintiff. (AR 246-47). He also testified that Plaintiff had
21 previously taken Ritalin but "it was making him a zombie." (AR 248).
22 Plaintiff's father reported that Plaintiff's academic performance was
23 significantly below grade level and that he was now entirely in a
24 special education setting. (AR 247-48).

25
26 The ALJ briefly described Plaintiff's father testimony in his
27 decision. (AR 18). However, the ALJ did not credit the testimony.
28 Contrary to Plaintiff's father's testimony, the ALJ found that Plaintiff

1 had "only occasional behavioral problems" and that he was "performing
2 well in special education courses[.]" (AR 19). The ALJ even found that
3 Plaintiff's ADHD "is controlled on Ritalin" despite Plaintiff's father's
4 testimony that Plaintiff was no longer taking Ritalin (Id.). As the
5 ALJ did not give specific germane reasons why he disregarded Plaintiff's
6 father's testimony, he committed error.

7 8 **2. Letters And Reports From School Personnel**

9
10 The Court notes that the ALJ appears to have selectively considered
11 only the evidence that supports his decision. For example, the ALJ
12 cited the portion of Plaintiff's Individual Education Program ("IEP")
13 that referred to Plaintiff as a gifted artist and described his love of
14 writing creative stories but did not mention the IEP's assessment that
15 Plaintiff was reading at a second grade level. (See AR 17, 226). Also,
16 the ALJ did not note that Plaintiff's CAT-6 scores were dismally low.¹⁰
17 He only mentioned that Plaintiff had "some impairment in reading
18 skills." (AR 17). Further, the ALJ noted the IEP did not note any
19 significant behavioral problems (AR 17), but did not discuss that three
20 of the five IEP goals dealt with Plaintiff's behavior.¹¹ (AR 229-31).
21 The ALJ cannot "reach a conclusion first, and then attempt to justify
22

23 ¹⁰ Plaintiff scored in percentile one in reading, the percentile
24 fifteen in language, the percentile eight in math, the percentile two in
25 spelling, and in percentile zero in science. (AR 227).

26 ¹¹ The IEP goals were that Plaintiff will improve cooperation with
27 authority and peers, he will increase the use of appropriate language
28 and positive non-verbal behavior, he will follow verbal and non-verbal
directions without negativity, Plaintiff will increase reading literacy
and comprehension, and Plaintiff will increase math reasoning skills.
(AR 229-31).

1 it by ignoring competent evidence in the record that suggests an
2 opposite result." Gallant v. Heckler, 753 F.2d 1450, 1455-56 (9th Cir.
3 1984); see also Reddick v. Chater, 157 F.3d 715, 722-23 (9th Cir. 1998)
4 (impermissible for ALJ to develop evidentiary basis by "not fully
5 accounting for the context of materials or all parts of the testimony
6 and reports").

7
8 Moreover, the ALJ mischaracterized certain evidence. The ALJ noted
9 that Plaintiff "exhibited some disruptive behavior in class such as
10 shouting at other students" and that Plaintiff was "suspended on
11 occasion during the fourth grade." (AR 17) (emphasis added). However,
12 the ALJ's description of the evidence is misleading. Plaintiff had at
13 least thirteen serious behavioral outbursts which resulted in Student
14 Referral Forms from Barton Elementary School. (AR 202-05, 206, 209,
15 211-18). Also, the record includes two Notices of Suspension from San
16 Bernardino City Unified School District during the fourth grade and
17 Plaintiff's father testified that he had already been suspended three
18 times in the fifth grade. (AR 208, 210). There is also other
19 documentation that Plaintiff was removed from class five times in May
20 2003 for defiant behavior (AR 219, 223), and three times in April 2003
21 for similar outbursts. (AR 221). The ALJ's characterization of the
22 evidence as "some disruptive behavior" is a gross understatement.

23
24 In addition, the ALJ did not discuss the letter from Barton
25 Elementary School principal, John Mauricio, or the letter from
26 Plaintiff's teacher, Jodi Moran. Both of these letters complained about
27 Plaintiff's disruptive behavior. The ALJ is required to consider
28 letters from friends and family. See Schneider v. Commissioner of Soc.

1 Security, 223 F.3d 968, 975 (9th Cir. 2000). However, an ALJ need not
2 expressly discuss all of the evidence presented. Howard ex rel. Wolff
3 v. Barnhart, 341 F.3d 1006, 1012 (9th Cir. 2003) ("[I]n interpreting the
4 evidence and developing the record, the ALJ does not need to 'discuss
5 every piece of evidence.'") (quoting Black v. Apfel, 143 F.3d 383, 386
6 (8th Cir. 1998) and citing Vincent v. Heckler, 739 F.2d 1393, 1394-95
7 (9th Cir. 1984)). Rather, the ALJ must explain why significant
8 probative evidence has been rejected. Vincent, 739 F.2d at 1394-95.

9
10 Here, the letters from Ms. Moran and Mr. Mauricio were significant
11 and probative. Ms. Moran and Mr. Mauricio had personal contact with
12 Plaintiff, they observed his behavior daily, and were especially
13 qualified to opine on his limitations. Moreover, whether Plaintiff has
14 a "marked" limitation in his ability to interact and relate with others
15 or his ability to acquire and use information is probative of whether
16 Plaintiff's impairment functionally equals a listing. See 20 C.F.R. §
17 416.926a(a)-(b)(1).¹² As such, the ALJ erred by failing to discuss
18 significant and probative evidence in the record.

19
20 In sum, the ALJ erred by failing to give specific germane reasons
21 why he ignored lay witness testimony. The ALJ also erred by selectively
22 accepting certain evidence, mischaracterizing other evidence, and
23 failing to discuss significant and probative facts in the record.

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¹² The Court notes that the letters from Ms. Moran and Mr. Mauricio
27 contain similar information as evidence discussed by the ALJ. However,
28 because the ALJ did not properly address other non-medical evidence with
similar information, the letters from Ms. Moran and Mr. Mauricio are not
cumulative.

1 **B. Remand Is Required to Remedy Defects in the ALJ's Decision**

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3 Remand for further proceedings is appropriate where additional
4 proceedings could remedy defects in the Commissioner's decision. See
5 Harman v. Apfel, 211 F.3d 1172, 1179 (9th Cir. 2000); Kail v. Heckler,
6 722 F.2d 1496, 1497-98 (9th Cir. 1984). Because the ALJ erred by
7 improperly rejecting Plaintiff's father's testimony and by failing to
8 properly consider other non-medical evidence before him, the case must
9 be remanded to remedy these defects. Upon remand, the ALJ must re-
10 consider Plaintiff's father's testimony and all other non-medical
11 evidence. The ALJ must obtain a consultative examination of Plaintiff
12 and request additional records or testimony from Plaintiff's father,
13 treating physicians, counselors, and teachers. As the Court did not
14 reach all of the issues raised in this case, the parties shall not be
15 precluded from addressing those issues or any other issues on remand.¹³

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25 _____
26 ¹³ The Court is particularly concerned with the ME's confusing and
27 inaudible testimony. At point one point in the transcript, the ME's
28 testimony was inaudible for forty seconds. (AR 256). This Court's
ability to determine whether Plaintiff meets, medically equals or
functionally equals a listing is highly dependent on the ME's testimony.

CONCLUSION

Consistent with the foregoing, and pursuant to sentence four of 42 U.S.C. § 405(g),¹⁴ IT IS ORDERED that judgment be entered REVERSING the decision of the Commissioner and REMANDING this matter for further proceedings consistent with this decision. IT IS FURTHER ORDERED that the Clerk of the Court serve copies of this Order and the Judgment on counsel for both parties.

DATED: June__26__, 2007.

_____/s/_____
SUZANNE H. SEGAL
UNITED STATES MAGISTRATE JUDGE

¹⁴ This sentence provides: "The [district] court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing."